

### **REMARKS**

Pursuant to the non-final Office Action mailed January 11, 2008, Applicant requests reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-32 and 34-41 are currently pending in this application, of which Claims 1, 20, and 32 are independent claims. Claims 1, 20, and 32 have been amended to clarify that which the Applicant considers to be the invention. The application as now presented is believed to be in allowable condition.

A. Claims Rejected Under 35 U.S.C. § 112

Claims 1, 20, and 32 have been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards of the invention. Specifically, page 2 of the Office Action indicates that "a telephone call" in the preamble of Claims 1, 20, and 32 is not represented in the body and that the claims failed to mention anything about connecting a telephone call.

Applicants have amended Claims 1, 20, and 32 to include reference to "a telephone call" found in the preamble. Accordingly, Applicant submits that the rejection of Claims 1, 20, and 32 have been obviated.

B. Claims Rejected Under 35 U.S.C. §102

Claims 1-9, 11-26, 28-32, 34-38, 40, and 41 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,259,772 to Stephens et al. (*Stephens*).

The present invention, as defined by amended Claim 1, is directed to a method of arranging a telephone call. The method includes receiving a text-based message having caller information associated with a caller network device and called endpoint information associated

with a called network device. The text-based message initiates the arrangement of the telephone call. The method also includes sending a first alerting signal to the called network device using the called endpoint information, detecting whether a first connection signal is received from the called network device, sending a second alerting signal to the caller network device in response to the caller information, detecting whether a second connection signal is received from the caller network device, and attempting to connect the called network device to the caller network device in response to the second connection signal.

The present invention, as defined by amended Claim 20, is directed to a method of arranging a telephone call to a calling center. The method includes receiving a text-based message having caller information associated with a caller network device and calling center information associated with the calling center. The text-based message initiates the arrangement of the telephone call. The method also includes sending a first alerting signal to the calling center using the calling center information, detecting whether a first connection signal is received from the calling center, sending a second alerting signal to the caller network device using the caller information, detecting whether a second connection signal is received from the caller network device, and attempting to connect the caller network device to the calling center in response to the second connection signal.

The present invention, as defined by amended Claim 32, is directed to a system for arranging a telephone call. The system includes a server and a gateway. The server is adapted to receive a text-based message having caller information associated with a caller network device and called endpoint information associated with a called network. The text-based message initiates the arrangement of the telephone call. The server is adapted to attempt to connect the telephone call in accordance with the caller information and with the called endpoint information. The gateway is coupled to the server and to a telephony network for providing communications from the server to the telephony network. At least one of the gateway and the server is adapted to send alerting signals to a called network device and to the caller network device in response to the text-based message, and at least one of the gateway and the server is

further adapted to detect connection signals from the caller network device and from the called network device.

*Stephens* discloses a telecommunication system having calling and called terminal equipment and an approach to handling calls between the terminal equipment. (*Stephens* col. 2, lines 46-58). When a calling party calls a called party, the calling party can invoke a message delivery service that records a voice message to be delivered. (*Stephens* Figs. 4, 5, 12, 13, and 14; col. 3, lines 42-63; col. 5, lines 24-35; col. 7 line 64 through col. 8, line 2; col. 9 line 39 through col. 10 line 24). If the message delivery service is invoked, the call ends after the voice message is recorded. (col. 3 lines 42-44). The voice message is delivered to the called party, who may or may not respond to the recorded message by calling the calling party back or recording a message. (*Stephens* col. 3 lines 50-63 and col. 9 line 39 through col. 10 line 24).

*Stephens* does not disclose receiving a text-based message that initiates an arrangement of a telephone call, as required by Claims 1, 20, and 32. The process disclosed by *Stephens* does not provide an arrangement of a telephone call prior to either party's attempt to call the other. Rather, *Stephens* discloses that the calling party calls the called party and that during the call the calling party can leave a voice message, after which the call ends and the called party must call the calling party back. Unlike *Stephens*, the claimed invention receives a text-based message prior to a call being made and receipt of the text-based message initiates the arrangement of the telephone call. As such, *Stephens* fails to disclose receiving a text-based message that initiates an arrangement of a telephone call.

Applicant respectfully notes that in order to support a claim of *prima facie* anticipation, a single reference must teach or enable each of the claimed elements as arranged in the claim interpreted by one of ordinary skill in the art. However, nothing in the art of record, including *Stephens*, discloses the claimed invention defined by Claims 1, 20, and 32.

The claimed invention advantageously allows a caller to arrange a telephone call with another person at a future time and date such that the telephone call occurs automatically. In

conventional systems, such as *Stephens*, a caller first calls the called party attempting to speak with the called party at which time the caller can leave a voice message, which can be delivered to the called party. The voice message can be delivered to the called party, who can determine whether or not to return the call. With this conventional arrangement, two telephone calls are placed in order to achieve the telephone call at a future time and date, the first call to arrange the future time and date, and the second call at the future time and date. As a result of the claimed invention, a single call is placed automatically at a future date and time based on information associated with the calling and called device information.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence. Further, Applicant submits that Claims 2-19, 21-31, and 34-41 define additional patentable subject matter in their own right. For example, *Stephens* does not disclose that the message includes time information and that sending the first alerting signal, detecting if the first connection signal is received, connecting to the called network device, sending the second alerting signal, detecting if the second connection signal is received, and connecting the called network device to the caller network device are performed at a time identified in the time information, as required by Claim 4. Rather, *Stephens* merely discloses delivering a recorded voice message to a called party at a specified time. Therefore, it is respectfully requested that the rejection of Claims 1-9, 11-26, 28-32, 34-38, 40, and 41 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

C. Claim Rejected Under 35 U.S.C. § 103

Claims 10, 27, and 39 have been rejected under 35 U.S.C. § 103(a) is being unpatentable over *Stephens* in view of U.S. Patent No. 7,245,612 to Petty et al. (*Petty*). Claim 10 ultimately depends from Claim 1, and therefore incorporates all of the patentable features of Claim 1. Claim 27 ultimately depends from Claim 20, and therefore incorporates all of the patentable features of

Claim 20. Claim 39 ultimately depends from Claim 32, and therefore incorporates all of the patentable features of Claim 32.

*Petty* discloses an Internet Call Waiting (ICW) service having incoming call information, call screening, and voice messaging capabilities. (*Petty* Abstract; Col. 4, lines 14-36; Col. 7, lines 41-55). In *Petty*, a calling party calls the called party and if the called party is unavailable or does not wish to answer the waiting call, the calling party simply leaves a voice message that is logged and the process ends. (*Petty* Fig. 6; Col.10, lines 19-26). The called party can be notified of the calling parties attempt to connect by displaying the calling parties information on a display and if the calling party leaves a voice message the voice message can be forwarded to the called party's e-mail address as an e-mail attachment. (*Petty* Fig.1 and col. 9, line 27 through col. 10, line 50). However, no message is sent prior to the calling parties call and no prior arrangements are made.

Neither *Stephens* nor *Petty*, alone or in combination, teach or suggest receiving a text-based message that initiates an arrangement of a telephone call, as required by Claims 1, 20, and 32. Rather, *Stephens* teaches calling a called party and leaving a message that can be delivered at a specified time and *Petty* teaches calling a called party and displaying the calling party's information to the called party on a display. Thus, *Petty* fails to bridge the factual deficiencies of *Stephens*, and as such, neither *Stephens* nor *Petty*, alone or in combination teach or suggest all of the features of Claims 1, 20, and 32.

Applicant notes that in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention. However, nothing in the art of record would, either alone or in combination, teach or suggest each of the elements in Claims 1, 20, and 32, respectively.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence.

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Therefore, it is respectfully requested that the rejection of Claims 10, 27, and 39 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### Conclusion

Entry of the amendments to Claims 1, 20, and 32; favorable consideration of Claims 1, 20, and 32, as amended; favorable reconsideration of Claims 2-19, 21-31, and 34-41; and allowance of pending Claims 1-32 and 34-41 are solicited.

In view of the foregoing amendments and remarks, the subject application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,

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